



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
WATER

Re: Notification of Final Consultation and Coordination on Proposed Renewal of the Multi-Sector General Permit

Dear Honorable Leader,

The U.S. Environmental Protection Agency (EPA) is initiating consultation and coordination with federally-recognized Indian Tribes on the renewal of the National Pollutant Discharge Elimination System (NPDES) stormwater Multi-Sector General Permit (MSGP) and, with this letter, the EPA formally seeks your participation in a teleconference on **Jan 15, 2013 at 1pm EST**. The MSGP is a NPDES permit that regulates the discharge of stormwater associated with industrial activity.

This consultation and coordination process will be conducted in accordance with the *EPA Policy on Consultation and Coordination with Indian Tribes* ([www.epa.gov/tribal/consultation/consult-policy.htm](http://www.epa.gov/tribal/consultation/consult-policy.htm)). The EPA invites you and your designated consultation representative(s) to participate in this process. The EPA's anticipated timeline for the consultation and coordination period is expected to extend from December 11, 2012.

Enclosed is a consultation and coordination plan for this action that includes a description of the action under consultation and the process the EPA intends to follow, including a timeline for the consultation and coordination period and information on how you can provide input on this action. *This information is also available on EPA's Tribal Portal*  
<http://www.epa.gov/tribal/consultation>

The official EPA contact person for this consultation and coordination process is Bryan Rittenhouse, (202) 654-0577, Office of Wastewater Management, [rittenhouse.bryan@epa.gov](mailto:rittenhouse.bryan@epa.gov). Please do not hesitate to contact Bryan Rittenhouse if you have any questions or would like to request alternate arrangements to the process outlined in the consultation plan.

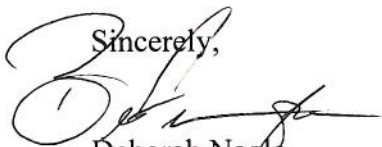
If you decide not to participate in this consultation process, you will still have the opportunity to provide input on this action during the public comment period following publication of the draft MSPG in the Federal Register. The proposed permit renewal will be published in the Federal Register and accessible at [regulations.gov](http://regulations.gov).

I look forward to hearing from you on this important matter.

Teleconference number: 866-299-3188

Teleconference code: 2025642649

Sincerely,

A handwritten signature in black ink, appearing to read 'Deborah Nagle', written over the word 'Sincerely,'.

Deborah Nagle  
Division Director  
Water Permits Division, Office of Water

cc: Tribal Environmental Directors  
Regional Indian Coordinators

Enclosures

## **Consultation Plan**

### ***Background information on the initiative***

The reason for this permit renewal is that the current Multi-Sector General Permit is expiring in September 2013 at the end of its five-year term, the standard duration of all NPDES permits. The renewed MSGP will regulate stormwater discharges from previously covered industrial facilities and any new ones for five years after the permit is issued.

The MSGP currently authorizes the discharge of pollutants in stormwater from approximately 2,400 industrial facilities in 29 different industrial sectors, of which 48 facilities are on Indian lands, using an approach consisting of generally applicable permit requirements and requirements tailored to the specific sectors. The MSGP also contains eligibility requirements that all industrial operators must comply with before obtaining permit coverage, such as National Historic Preservation Act requirements, Endangered Species Act requirements, and developing and implementing a stormwater pollution prevention plan (SWPPP).

### ***Potential impacts to Tribes***

All tribes, especially those that could potentially be affected by the renewal of the MSGP are invited to participate. We greatly appreciate any and all tribal views on permit revisions we are contemplating to strengthen the protection of our Nation's waters.

As with the 2008 MSGP, Indian lands in the EPA Regions 1, 2, 5, 6, 9, and 10 will be covered by the renewed MSGP. For the first time, Region 7 and Region 8 will also be covered.

Some new options the EPA is considering proposing for the MSGP include making the MSGP consistent with the recently issued Construction General Permit, making permittees' SWPPP information publicly available, incorporating new aircraft deicing requirements developed separately by the Agency, and including requirements for discharges to Superfund sites.

### ***Opportunities for Tribes to participate***

The EPA is seeking discussion with tribes and feedback on the options being considered for the renewal of the MSGP. The agency will hold a tribes-only teleconference for tribal leaders and staff. The teleconference will consist of two parts. The first part will provide tribes an opportunity to ask questions and learn more about the proposed MSGP. The last part of the teleconference will be reserved for consultation comments from tribal leaders or their consultation designees.

Tribes may submit written consultation comments to:

Bryan Rittenhouse  
1200 Pennsylvania Ave NW  
Mailcode: 4203M  
Washington DC, 20460



Tribes may also participate in the public review and comment process when the proposed MSGP is published in the Federal Register. The EPA will provide information about the proposed permit on the EPA MSGP website at [www.epa.gov/npdes/stormwater/msgp](http://www.epa.gov/npdes/stormwater/msgp)

The EPA will post information for tribes on the Tribal Portal ([www.epa.gov/tribal](http://www.epa.gov/tribal)) regarding this effort, including background information and responses to comments received through tribal consultation and public review process.

The combined goal for all these efforts is to ensure there is sufficient information for tribal officials to make an informed decision about the desire to continue with consultation and to understand how to provide informed input.

### ***Tribal Consultation and Coordination Process and Timeline***

<b>Date</b>	<b>Event</b>	<b>Contact Information</b>
<b>January 15, 2013 1-2:30pm EST</b>	Tribal Leader Information and Consultation Teleconference: Proposed Renewal of the Multi-Sector General Permit	EPA Contact: Bryan Rittenhouse, (202) 654-0577  Teleconference number: 866-299-3188  Teleconference code: 2025642649
<b>End date of tribal consultation (at least 3 weeks from start of consultation)</b>	Tribes may submit consultation comments.	EPA Contact: Bryan Rittenhouse, (202) 654-0577  <a href="http://cfpub.epa.gov/npdes/stormwater/msgp.cfm">http://cfpub.epa.gov/npdes/stormwater/msgp.cfm</a>
<b>Early 2013</b>	Publication of the proposed renewal of the MSGP in the Federal Register and beginning of public comment period.	